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The President's Page

Clarence L. Yancey

I would like to discuss briefly some of the things which have occupied my attention during the time I have served as President of your Association.

1. House of Delegates.

You authorized the creation of a House of Delegates to be composed of representatives from all the judicial districts of the State. The members have now been elected and held an informal meeting in January at Baton Rouge. The first formal meeting of the House will be held at Shreveport during the Annual Convention on Friday, May 10, 1957, at which time it will adopt rules and begin functioning. The House of Delegates will be the governing body of the Association with interim authority vested in the Board of Governors.

2. Relieving the Docket of the Supreme Court.

The work load of the Supreme Court has been steadily increasing each year and has reached the point where it is not possible to keep the docket current. The Chief Justice and Associate Justices have been working on the problem and making recommendations. A committee consisting of representatives of the several judicial and bar groups of the State has begun functioning under the chairmanship of Colonel John H. Tucker, Jr., President of the Louisiana State Law Institute. A study is being made of all problems relating to appellate jurisdiction of our State Courts, and it is proposed to transfer certain work from the Supreme Court to the Courts of Appeal. It is planned that a recommendation be made to the 1958 Legislature. I am a member of this study committee.

3. Economics of Louisiana Lawyers.

I have appointed a special committee to study the advisability and feasibility of making a survey of the economics of the Law Profession in Louisiana. Such a survey has been made in Texas and is now being made in Mississippi. It may be a basis for improving the earnings of members of the bar.

4. Proposal for a President-Elect.

By custom, the Vice President of your Association has succeeded to the presidency. I think it important that the president know a year in advance that he will have the office, so that he can make preparations for taking over that office. It is possible under our system that the vice-president will not succeed to the presidency. The Board of Governors voted unanimously in favor of designating the vice-president as president-elect and the matter will be brought before the Shreveport convention in May, and if approved there, it will be submitted to the members of the bar for their approval.

5. Improved Public Relations.

It is proposed that professional assistance be obtained in accumulating material for, editing and publishing the Bar Journal to insure that the issues are timely published; to handle the various public information programs through all media such as newspapers, radio, television, and pamphlets; to handle news releases concerning the bench and bar; possibly to issue a regular news bulletin to keep our members abreast of developments in our field; and generally, to give the public a better and more favorable picture of the legal procession and the administration of justice.

6. Relieving Congestion in the Federal Courts.

Your Association has taken and is taking an active part in calling the attention of Congress and the White House to the need for alleviating Federal Court congestion in Louisiana, and it seems certain that another judgeship for the Eastern District will be created and probably a roving judgeship for the Eastern and Western Districts. The case load of both districts is such that the only relief obtainable is through additional judgeships.

7. New Bar Association Headquarters.

Space will be made available in the new Supreme Court Building at New Orleans for the headquarters of our Association. From funds derived from the increase in dues, we plan to furnish these new quarters in a manner befitting the importance and dignity of the headquarters of our profession in the state. It is hoped that the move can be made within the coming year.

I wish to say once more how much I appreciate the opportunity of being of service to the lawyers and judges of Louisiana and to have had the honor of being your president.

Report of Judicial Council of the Supreme Court of Louisiana for Year 1956

By the Honorable John B. Fournet
Chief Justice of Louisiana, Chairman

In accordance with Subdivision (d) of Section (6) of Rule XXI of the Revised Rules of the Supreme Court of Louisiana, I submit the following report of the Judicial Council of the Supreme Court of Louisiana for the year 1956.

GENERAL

The Judicial Council continues to occupy a place of great and growing importance in the administration of justice in Louisiana. The existence of a public agency devoted to increasing the efficiency of the judicial process places Louisiana among the most forward-looking jurisdictions in the United States.

The fact that the Judicial Council's activities have received no sensational publicity is evidence that the Council has approached problems of judicial administration in a spirit of moderation and has continually resolved questions of policy in favor of long range needs and advantages.

The public has nevertheless derived tremendous benefits from the modest appropriation of funds to the Judicial Council. The capstone of these benefits is the increasingly progressive spirit prevailing among the members of the judiciary, an open minded attitude favoring reform where the need for reform is demonstrated — the *sine qua non* of efficient court administration. As a result of the cooperative relationship among the Judicial Council, the judiciary, the bar, the clerks of court and other court attaches, much has been achieved and more can be expected.

MEETINGS

The Judicial Council held two meetings in 1956, one on March 24th, and the other on October 1st and 2nd, the latter having been a two-day Joint Meeting of the Louisiana District Judges Association and the Judicial Council. Both were very well attended. Some highlights of the proceedings are set forth below.

Meeting of March 24, 1956

This meeting was attended by all but four of the members of the Judicial Council and also by several members of the Council of the Louisiana State Law Institute. The Judicial Administrator, Dr. George W. Pugh, delivered a report to the Council and discussed in detail the January 1, 1956 report on cases fully submitted and under advisement for more than thirty days. The Council decided that other reports on cases under advisement should be requested on October 15, 1956, and January 15, 1957.

Mr. Leon Hubert, District Attorney for the Parish of Orleans, reported on the work of the Special Court of the Criminal District Court for the Parish of Orleans, and announced that his criminal docket was in better condition than it has been at any time since the assumption of his duties as District Attorney. The Council also heard an address by Mr. John H. Tucker Jr., President of the Louisiana State Law Institute, whose remarks dealt principally with the judiciary article of the Louisiana Constitution.

Joint Meeting of October 1-2, 1956

This Joint Meeting of the Louisiana District Judges Association and the Judicial Council was attended on at least one of the two meeting days by all members of the Supreme Court, all judges of the Courts of Appeal, all but twelve of the District Judges, and all but four of the members of the Judicial Council. Guest speaker at the banquet held on October 1st was Associate Justice (formerly Chief Justice) Walter V. Schaefer of the Supreme Court of Illinois. Dean Paul M. Hebert of the Louisiana State University Law School was guest speaker at the October 2nd luncheon meeting.

Presiding jointly over the proceedings were Judge J. Bernard Cocke, President of the Louisiana District Judges Association, and the undersigned. The business meetings centered around four panel discussions on topics of current interest to the bench and bar. A brief summary of these discussions follows.

The undersigned served as moderator of the discussion of "Possible Changes in the Judiciary Article of the Louisiana Constitution." Other members of the panel were Associate Justice E. Howard McCaleb, Judge Robert S. Ellis, Judge George W. Hardy, Judge George Janvier, Judge J. Bernard Cocke, and Judge John T. Hood, Jr. The discussion was addressed principally to the need for changing the appellate jurisdiction of the

Supreme Court in order to reduce the excessive number of cases presently handled by that court. Among the proposals examined were (1) restricting the appellate jurisdiction of the Supreme Court to a narrow group of cases in which the public has an extraordinary interest — for example, those in which the validity of a tax or levy or the constitutionality of a statute is brought into question or criminal cases in which the accused is sentenced to capital punishment — and, at the same time, allowing the Supreme Court a broad supervisory jurisdiction to insure the correction of error in the inferior courts; (2) creating a court to which all criminal cases would be appealed; (3) restricting the jurisdiction of the Supreme Court to questions of law; (4) increasing the "jurisdictional amount" of the Supreme Court; and (5) creating a court to which all "domestic" and "juvenile" cases would be appealed. Among the proposals examined for relieving other courts of the effects of reducing the appellate jurisdiction of the Supreme Court were (1) creating one or two additional courts of appeal; (2) increasing the number of judges on the existing Courts of Appeal from three to five; and (3) creating the aforementioned special courts for special types of cases. The Joint Meeting authorized the creation of a committee to study, with the aid of representatives of the Louisiana State Law Institute and the Louisiana State Bar Association, the necessity and feasibility of the changes in the judiciary article proposed and discussed at the meeting.

Mr. John R. Pleasant served as moderator for the discussion of "Wearing the Robe and Opening-of-Court Ceremonies." Other members of the panel were Judge Henry F. Turner, Judge Walter M. Hunter, Judge Walter B. Hamlin, and Judge A. Wilmot Dalferes. The panel discussed the absence of uniformity and the differences of opinion that exist with respect to the wearing of robes. Attention was called to the atmosphere of dignity and austerity desirable in the court room, and the possible effects of wearing the robe on such an atmosphere were examined. The panelists described their experiences with opening-of-court ceremonies and discussed the salutary effects of conducting impressive ceremonies at the commencement of each annual term of court. The creation of a committee was authorized to explore further the proposals made and the questions raised in the course of the discussion.

Mr. H. Flood Madison served as moderator for the discussion of "Uniformity of Rules of Court Throughout the State." Other

members of the panel were Judge P. E. Brown, Judge Francis J. Gremillion, Judge Charles A. Holcombe, and Judge Minos D. Miller. Noting that modern means of transportation and communication have increased the number of courts in which an attorney normally practices and that there has been no general movement toward uniformity in Rules of Court, the panel discussed the extent to which uniformity was possible and desirable in the various areas usually governed by local rules. These included the matters of vacations, the trial of cases during vacations, the order of business in "Motion Hour," the manner in which the Clerk of Court and the Sheriff are notified that witnesses are to be summoned, the form of stipulations of counsel, special rules for separation and divorce cases, taking of preliminary defaults immediately after the beginning of the term of court, the filing of pleadings in open court, particularizing exceptions, requiring security for costs, and the taking or confirmation of a preliminary default before a judge other than the one to whom a case has been allotted. Attention was called to the publication of the rules of the District Courts, as well as those of the Supreme Court and the Courts of Appeal, in a volume entitled LOUISIANA COURT RULES, through the efforts of the Committee on Procedural Reform of the Junior Bar Section of the Louisiana State Bar Association, working with the cooperation of the Judicial Council. A resolution commending the Junior Bar Section's Committee for its efforts in securing the publication of LOUISIANA COURT RULES was unanimously adopted. The Joint Meeting authorized the creation of a committee of District Judges and practicing attorneys to study the possibility of encouraging uniformity of court rules in those instances where uniformity is possible and desirable.

Judge Louis H. Yarrut served as moderator for the discussion of "Expediting Post-trial Procedures." Other members of the panel were Judge Robert D. Jones, Judge James E. Bolin, and Judge René A. Viosca. The panel examined in detail the advantages and disadvantages of deciding cases from the bench, hearing oral argument at the conclusion of trial, limiting briefs to the more serious questions in a given case, requiring the timely filing of briefs, reducing reasons for judgment to writing, and preventing the piecemeal trial of cases. The panel also discussed the Rules of the Twenty-second Judicial District Court on the preparation of transcripts of record and submission of briefs by counsel.

The outgoing Judicial Administrator delivered a brief report and introduced his successor.

The committees authorized at this meeting are being organized. The practice of channeling its preliminary study functions through committees will undoubtedly increase the range of the Judicial Council's activities.

STUDIES

The Judicial Council has continued to receive bi-monthly reports from the Clerks of Court on the number of civil cases filed during each two-month period and the number of civil cases set for trial at the beginning of each period. The reports on cases set for trial continue to give a rough but dependable indication that, in the main, attorneys who diligently seek trials of their cases can get to trial without unreasoning delay.

The Judicial Council also received one report in January and another in November on cases under advisement for more than thirty days. A case is not considered under advisement, of course, until the attorneys therein have submitted their briefs or memoranda of authorities. In isolated instances of undue delay, the Judicial Administrator discussed the reasons therefor with the member of the judiciary involved and made available the services of the Council in devising means to expedite the disposition of submitted cases. The surveys indicate that an attorney who submits his brief or memorandum of authorities within the time allotted by the court usually receives a decision in his case within the thirty-day period. The requests for reports on cases under advisement for more than thirty days have been well received. On the whole, the judiciary has been anxious to disclose and eliminate the causes of unreasonable legal delay.

A study has been made of the number of appeals in the three Courts of Appeal and the geographical origin of these appeals. The results of this study will be of vital importance to the committee authorized at the October 1-2 meeting to study possible changes in the judiciary article of the Louisiana Constitution.

This, and other studies, together with this report, will be published in a bound volume in the near future.

ASSIGNMENT OF JUDGES

The assignment of judges from one District to another continues to provide an excellent means of preventing the temporary

congestion of dockets as a result of the absence or illness of judges, or other conditions, such as unusual volume or complexity of litigation in a District. During 1956 to the date of this report, the following assignments (exclusive of prior assignments continuing through this period) were made on the trial court level:

Jesse C. McGee of the Seventh Judicial District to the Sixth Judicial District.

Andrew G. Bucaro of the Third Municipal Court of the City of New Orleans to the Traffic Court of the City of New Orleans.

René Himel of the Sixteenth Judicial District to the Seventeenth Judicial District.

Francis J. Gremillion of the Twelfth Judicial District to the Thirteenth Judicial District.

J. Cleveland Frugé of the Thirteenth Judicial District to the Twelfth Judicial District.

Alexander E. Rainold of the Civil District Court for the Parish of Orleans to the Twenty-third Judicial District.

Walter B. Hamlin of the Civil District Court for the Parish of Orleans to the twenty-third Judicial District.

Paul P. Garofalo of the Municipal Court of the City of New Orleans to the Traffic Court of the City of New Orleans.

Walter M. Hunter of the Ninth Judicial District to the Twelfth Judicial District.

James R. Dawkins of the Third Judicial District to the Second Judicial District.

James E. Bolin of the Twenty-sixth Judicial District to the Second Judicial District.

Henry F. Turner of the First Judicial District to the Twenty-sixth Judicial District.

W. Blair Lancaster of the First Municipal Court of the City of New Orleans to the Traffic Court of the City of New Orleans.

C. A. Barnett, Retired, of Ruston, Louisiana to the Second Judicial District.

Oliver P. Carriere of the Civil District Court for the Parish of Orleans to the Twenty-second Judicial District.

MISCELLANEOUS

In September, Dr. George W. Pugh, the first Judicial Administrator, returned to his post on the Law School faculty of

Louisiana State University at the end of a two years' leave of absence. Dr. Pugh was immediately replaced by Donald J. Tate, a young attorney who comes well recommended from private practice. The Judicial Council appointed Dr. Pugh special consultant to the Council, and this has preserved the continuity of the routine tasks of the Council's office.

The 1955 report of the Judicial Council, together with extensive data respecting the Louisiana judicial system, was published early in 1956. This publication was widely distributed to judges, lawyers, and other public officials in Louisiana. Numerous requests for copies have been received from universities, libraries, and public bodies throughout the United States.

Both the outgoing and incoming Judicial Administrators attended the National Conference of Court Administrative Officers, held in Dallas, Texas, in August, in conjunction with the National Conference of Chief Justices. Louisiana enjoyed the honor at this conference of having Dr. Pugh lead a group discussion on the subject of "Means of Relieving Docket Congestion." The Council of State Governments serves as secretariat to the Conference of Court Administrative Officers. The Institute of Judicial Administration is also represented at the conferences. The benefits to be derived from such exchanges of information and views concerning problems and possible solutions in the field of judicial administration are obvious.

The Judicial Council assisted and cooperated with the Committee on Procedural Reform of the Junior Bar Section of the Louisiana State Bar Association in compiling the rules of court which have been published recently under the title, LOUISIANA COURT RULES. This publication will undoubtedly stimulate interest in the adoption of court rules by those courts which do not function under written rules and may serve to promote uniformity in court rules in instances where such uniformity is deemed proper.

The Judicial Council has devoted considerable effort to enlisting the support of the bar and public in the cause of better judicial administration. The Judicial Administrator has delivered public addresses at opening-of-court ceremonies in the fall; he has written a pamphlet about the Louisiana judicial system for distribution to the public by the Louisiana State Bar Association; he has addressed a Section of the Louisiana State Bar Association at its Annual Meeting; and he has traveled throughout the

State, explaining the functions of his office and the availability of its services to judges, lawyers, clerks of court and other court attaches. His office has continued to function as a clearing house for numerous inquiries about Louisiana legal institutions. He has made arrangements with the publisher of LOUISIANA COURT RULES to include in that publication the photographs of the judges of the Louisiana District Courts, of the Courts of Appeal, and the Supreme Court, at no cost to the Judicial Council.

A close liaison has been maintained between the Judicial Council and the Louisiana State Law Institute. The Judicial Administrator attends the meetings of the Council of the Institute, and under an amendment of Rule XXI of the Rules of the Supreme Court, adopted on March 18, 1955, the President of the Institute is an ex officio member of the Judicial Council.

CONCLUSION

The Judicial Council could report much less progress if it had not received the cooperation of the judiciary, the bar and court attaches in all its undertakings. Certainly the Clerks of Court deserve special mention in this regard. Aware of their important role in the administrative aspect of the judicial process, they have given unselfishly of their time whenever called upon for assistance. The Council has in turn made every effort to avail itself sparingly of their willingness to advance its aims and will continue to do so. The cooperativeness of the Clerks of Court has been equaled only by that of the members of the judiciary and the bar.

In order to appreciate fully the advanced position of Louisiana in the field of judicial administration, one must attend the meetings of the Judicial Council and observe the great pride which Louisiana judges, lawyers, and legislators take in our judicial system and the enthusiasm with which sound proposals for improvement are received. The Judicial Council looks forward to contributing to many more years of substantial progress.

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Recent Attacks upon the Supreme Court: A statement by Members of the Bar

As members of the Bar we have been deeply disturbed by recent attacks on the Supreme Court of the United States. No institution of our Government, including the judiciary, stands beyond the reach of criticism; but these attacks have been so reckness in their abuse, so heedless of the value of judicial review and so dangerous in fomenting disrespect for our highest law that they deserve to be repudiated by the legal profession and by every thoughtful citizen.

The Constitution is our supreme law. In many of its most important provisions it speaks in general terms, as is fitting in a document intended, as John Marshall declared, "to endure for ages to come." In cases of disagreement we have established the judiciary to interpret the Constitution for us. The Supreme Court is the embodiment of judicial power, and under its evolving interpretation of the great constitutional clauses — commerce among the states, due process of law, and equal protection of the laws, to name examples — we have achieved national unity, a nation-wide market for goods, and government under the guarantees of the Bill of Rights. To accuse the Court of usurping authority when it reviews legislative acts, or of exercising "naked power" is to jeopardize the very institution of judicial review. To appeal for "resistance" to decisions of the Court "by any lawful means" is to utter a self-contradiction, whose ambiguity can only be calculated to promote disrespect for our fundamental law. The privilege of criticizing a decision of the Supreme Court carries with it a corresponding obligation — a duty to recognize the decision as the supreme law of the land as long as it remains in force.

There are ways of bringing about changes in constitutional law, but resistance is not such a way. Changes may be wrought by seeking an over-ruling decision, or by constitutional amendment. It is through the amending process, and not by resistance, that the people and the states stand as the ultimate authority.

The current wave of abuse was doubtless precipitated by the school segregation decisions, though it has by no means been lim-

ited to them. Since our position does not depend on agreement with those decisions, it is not our purpose to discuss their merits. As individuals we are entitled to our own views of their soundness. Some of us are definitely in disagreement with them. In an Appendix we have sought to put these decisions in historical perspective and our signatures to this declaration are intended to evidence our approval of the statements in the Appendix. Our present concern is for something more fundamental than any one decision or group of decisions; our concern is for the tradition of law-observance and respect for the judiciary, a tradition indispensable to the cherished independence of our judges and orderly progress under law.

The American Bar has been alert to defend the judiciary against assaults which would undermine the Rule of Law, and to make plain to the American public the dangers lurking in such challenges. In 1937, when the Court was threatened, the Bar rallied to its support as an institution, regardless of individual dissatisfaction which many felt toward important decisions of that time. We must do no less today.

The signers of this statement represent diverse political outlooks and geographic associations. We are all the more firmly united in our resolve to defend the rule of law against the present challenge.

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Appendix

Occasionally in our history decisions of the Court have met with official resistance on the part of one or more states. No section of the country has had a monopoly on such aberrations, and in their outcome these episodes have only served to strengthen the tradition of respect for law. In 1803 the legislature of

Pennsylvania asserted that a federal court had illegally usurped jurisdiction and that its decree ought not to be supported or obeyed. Reviewing this action, the Supreme Court in 1809, through Chief Justice Marshall, took note of a supposed right of interposition:

> The act in question does not, in terms, assert the universal right of the state to interpose in every case whatever; but assigns, as a motive for its interposition in this particular case, that the sentence, the execution of which it prohibits, was rendered in a cause over which the federal courts have no jurisdiction.

The answer which Marshall gave is as valid and compelling today as it was almost a century and a half ago:

> If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under these judgments, the constitution itself becomes a solemn mockery; and the nation is deprived of the means of enforcing its laws by the instrumentality of its own tribunals. So fatal a result must be deprecated by all; and the people of Pennsylvania not less than the citizens of every other state, must feel a deep interest in resisting principles so destructive of the Union, and in averting consequences so fatal to themselves. [5 Cranch 115, 136 (1809)].

The President at the time was James Madison, whose earlier views may have given some reason to the Governor of Pennsylvania to solicit his support. But when thus approached, Madison was firm in upholding the Rule of Law. He said: ". . . the Executive is not only unauthorized to prevent the execution of a decree sanctioned by the Supreme Court of the United States, but is expressly enjoined, by statute, to carry into effect any such decree, where opposition may be made to it." (Cong. Globe, 11th Cong. 2d sess., page 2269 quoted in I Warren, *Supreme Court in United States History*, page 382).

It is unnecessary to recount additional episodes of this kind. Surmounting attacks prompted by local pressures, it was this very authority of the Court that served to foster reconciliation after the Civil War, when state and federal statutes disqualifying former supporters of the Confederacy from public and professional employment were held by the Court to be repugnant to the Constitution as bills of attainder. Thus the attacks on the power of the Court proved to be as short-sighted as they were short-lived.

Concerning the school cases themselves, it should be enough to point out that they do not warrant any departure from our tradition of respect for law. It has been said that they were a usurpation because the equal protection clause of the Fourteenth Amendment does not speak of schools and Congress had not legislated on the subject. But the equal protection clause was deliberately couched in general terms; it does not speak of jury service or transportation or any of the other specific fields in which the Court has been faced with racially restrictive laws. These problems must be resolved by the Court.

Whether as individuals we agree or disagree with the school decisions, we recognize that they were the culmination of a steady line of growth in the application of the concept of equal protection of the law, and that each stage was preceded by sincere and determined opposition. In 1880 the right of Negroes to be included on juries was established by judicial decision. In 1917 racial restrictions in municipal zoning laws were held unconstitutional, and in 1948 this principle was applied to prevent the enforcement of private racial covenants for housing. In 1927 the first of a series of cases outlawed the all-white primary under the Fourteenth Amendment. In 1938 the first of a series of cases applied the principle of equal protection to higher education; through Chief Justice Hughes the Court held that a state did not satisfy its constitutional duty by offering to pay for a student's tuition at a non-segregated university in another state. The elementary-school cases themselves were presented in a series of oral arguments and written briefs that advanced every possible contention; the Court heard reargument on the merits and still another argument on the form of the decree. The cases were treated with the utmost deliberation. Recognizing the problems of adjustment in some localities, the Court left the decrees to be carried out under the supervision of the district courts. The local authorities are obligated to see that the Court's decision is complied with in good faith.

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Retired Justice's Revealing Words on School Decision

(Under the heading "For Good or Ill" the Indianapolis Star proposes editorially that in view of the "sociological" decision of the supreme court, that the constitution be amended to declare that the constitution and written laws mean what they say — this to protect the sovereign authority of the people and the states. The editorial is reprinted below.)

In a magazine interview published since he stepped down from the supreme court, Justice Sherman Minton has confirmed the fact that the court's segregation decision of 1954 was made on the basis of sociological rather than legal reasoning. The interview appeared in Ebony magazine.

"One of the reasons the court ruled against segregation in education was that it was a discrimination against the colored school child that was psychologically detrimental," he told the interviewer.

In response to the direct question why the court ruled segregation unconstitutional, he said: "Because we thought it was an invidious distinction."

These are good reasons why segregation by law is bad. But they are not reasons why it is unconstitutional. The admission that these were the motives which moved the court to this decision is an admission that the court thereby departed from its traditional judicial function of interpreting the Constitution as it is. Instead, it adjusted the meaning of the Constitution to fit a previously determined judgment.

This was achieved by reversing the 1896 precedent interpreting the application of the 14th Amendment to the issue of racial segregation. This precedent had stood for more than half a century. At any time since 1896 the Constitution could have been amended if the people, aware that the Constitution as it stood did not ban segregation, wished to do so. The people did not do so. The nine justices of the supreme court thereupon decided that it should make a constitutional change which the people had failed to make.

* * *

We agree that segregation by law is bad. It is contrary to the nature of our way of life. But the destruction of the Constitution by judicial fiat is infinitely worse. All the personal liberties and protection of law which people of black, white or any other race now enjoy in America may ultimately be lost if the Constitution is held to have no meaning except that which is placed on it from day to day by courts which are free to overturn precedent at their discretion.

Is this what the segregation decision means? It definitely is if Justice Minton correctly expresses the court's thinking. "There must be an acceptance," he told his interviewer, "of the fact that what the supreme court says the Constitution means is the law."

The real issue in this matter — the issue still very much alive — is whether the powers reserved to the states and to the people by the 10th Amendment have any reality. The editor of the Richmond News-Leader, James J. Kilpatrick, phrased the question well in his summation for a book, "The Sovereign States," to be published in February. "Must it be conceded," he asked, "that the states now have no powers guaranteed to them by law, but exercise only those powers tolerated by the court?"

This question by no means constitutes any exeggeration of the supreme court's current and continuing digression from the fundamental constitutional concept that constitutions and laws mean what the words say, and do not change with the changing winds of the times. A number of other decisions in the last few years have been based on the premise that the court's function is to decide what the Constitution or a law ought to be as a matter of philosophy, and then rule that it is so.

* * *

Nor is the court's willingness to intrude further into the domestic affairs of the states exaggerated. Only this fall the court has again overturned long-standing precedent by accepting for review a case in which the only issue to be decided on appeal is the interpretation of a state law.

Quoting Kilpatrick again, "The end of this process is the corruption of a constitutional Union, by judicial fiat, into a consolidated government in which the states are mere political dependencies." There is one way to halt the process. That is to take firm measures, by the correct method of amending the Constitution, to declare that the Constitution and the written laws mean what they say.

"Somebody," said Justice Minton, "has to define the powers (of the supreme court) set forth in the Constitution." Yes, somebody does have to define those powers. Let them be defined, now, by the people, whose sovereign authority is the bedrock of this republic.

Comment on Application of State Laws by the Federal Courts

By Victor A. Sachse

At the dawn of our federal history the Congress in recognition of the concept of dual sovereignty which exists in the United States bound the federal courts to respect state laws except where the Constitution, treatise or statutes of the United States shall otherwise require or provide.[1] This rule has developed into a restriction upon federal courts which the state courts do not have and results in the problem here discussed.

The uniformity in the administration of justice which the generally salutary law of 1789 was intended to produce was not achieved. Soon the Supreme Court restricted the application of this Section "to the positive statutes of the State, and the construction thereof adopted by the local tribunals, and to the rights and titles to things having a permanent locality, such as the rights and titles to real estate, and other matters immovable and intraterritorial in their nature and character."[2]

After many years and after a considerable body of federal common law often at variance with that of the states had been evolved, this interpretation was rejected.[3]

This departure has not proved entirely satisfactory to the Court and it utilized "the federal law merchant developed for about a century under the regime of Swift v. Tyson" rather than to apply state law concerning the payment of a federal check on a forged endorsement.[4]

This decision does not challenge the Erie-Tompkins case and

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1. 34th section of the Judiciary Act of 1789 (ch. 30) "that the laws of the several States, except where the Constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States, in cases where they apply." Formerly embodied in 28 U.S.C. 725, now 28 U.S.C. 1652.
2. Swift v. Tyson, 41 U.S. 1, 16 Pet. 1, 18, 10 L. ed. 865.
3. Erie R. Co. v. Tompkins, 304 U.S. 64, 78, 58 S. Ct. 817, 822; 82 L.ed. 1188, 114 ALR 1487.
4. Clearfield Trust Co. v. United States, 318 U.S. 363, 63 S. Ct. 573, 575, 87 L.ed. 838.

it is mentioned here primarily because the Court there also concerned itself with pursuit of uniformity.

Uniformity between courts seems hardly achievable when uniformity of decision within a particular court even over a relatively short span of years is unattainable even if desirable.

The doctrine of *stare decisis* which theoretically would tend towards uniformity has never been well accepted by the Civil Law as applied in Louisiana. Indeed Article 5 of the French Civil Code expressly forbade judges to decide cases by laying down general principles ("par voie de disposition generale et reglementaire"). The great Edward Livingston called it "* * * a maxim that usurps the place of regular legislation." He added that case "decisions will be the means of improving legislation, but will not be laws themselves."[5]

No one supposes that Louisiana judges will not avail themselves of the rule of stare decisis[6] or that judges in other jurisdictions find it impossible to depart from prior cases.[7]

Here we are concerned only with the fact that the Louisiana Supreme Court is not legally bound by its precedents, the United States Supreme Court does not consider itself legally bound by its precedents, but the federal courts seem by statute and judicial pronouncement to be bound by the precedents of the state courts of last resort.

The difficulties attendant upon the rule, however valuable in the main it may be, are numerous. For one example, consider the care with which the federal court must determine the extent of proof submitted in state cases wherein the rule was developed

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5. Report of Commission on Revision of the Louisiana Civil Code (1823) p 10.

6. Rauschkolb v. DiMatteo, 190 La. 7, 181 So. 555, State ex rel Kavanaugh v. Mitchiner, 204 La. 415, 15 So. 2d 809. Quaker Realty Co. v. LaBarse, 131 La. 996, 60 So. 661.

7. Burnet v. Coronado Oil and Gas Co. 285 U.S. 393, 52 S. Ct. 443, 76 L.ed. 815. See dissenting opinion of Brandeis:

"*Stare decisis* is not, like the rule of res judicata, a universal, inexorable command. 'The rule of *stare decisis*, though not tending to consistency and uniformity of decision, is not inflexible. Whether it shall be followed or departed from is a question entirely within the discretion of the court, which is again called upon to consider a question once decided.' *Hertz v. Woodman*, 218 U.S. 205, 212. *Stare decisis* is usually the wise policy, because in most matters it is more important that the applicable rule of law be settled than that it be settled right. . . The Court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function. . ." cf Smith v. Allwright, 231 U.S. 649, 64 S. Ct. 757, 88 L.ed. 987, 151 ALR 1110.

that all inferences must be resolved in favor of the plaintiff invoking the respondeat superior doctrine in a suit for damages for assault and battery.[8]

Then there is the situation of conflicting state decisions. Sometimes the federal courts have said they would make their own construction of state laws in such situations and this is not altered by a decision of the state court after a decision by the federal district court but before appeal has been concluded.[9]

Nevertheless, in a very well reasoned opinion the Fifth Circuit has said that where Louisiana decisions were in conflict, the "Federal District Court was entitled to follow the decisions he considered clearly stated the law" but a decision having been rendered by the State Supreme Court after the district court had rendered judgment and while it was on appeal was said by the Fifth Circuit to have resolved the difficulty and it felt "bound to follow this later expression of the Louisiana Supreme Court and we are content to do so."[10]

Still another case holds that "when the decisions of the highest court of a state construing a state statute are in conflict the federal courts will follow the later settled adjudications of the State Supreme Court, rather than the earlier ones, except in cases where contracts have theretofore been entered into or rights or title acquired on the faith of the earlier decisions."[11]

To illustrate forcibly that this approach has developed a philosophy under which the state law can be considered as a flowing, living stream when dealt with by the state courts but becomes a stagnant pool when dealt with by the federal courts, one need only consider the view the United States Supreme Court took of the Mississippi law concerning its statute of limitations. This was a suit against the railroad for wrongful discharge.

> "Judgment on the pleadings was rendered against Moore by the trial court. Upon appeal the Mississippi Supreme

8. Elder v. Dixie Greyhound Lines, 158 F 2d 200, 202.

9. Concordia Ins. Co. of Milwaukee v. School District No. 98, 282 U.S. 545, 51 S. Ct. 275, Brace v. Gauger Korsmo Const. Co., 36 F 2d 661, cert. den. 281 U.S. 738, 50 S. Ct. 333, 74 L.ed. 1153.

10. Sabine Lbr. Co. v. Broderick, 88 F 2d 586, 588, cert. den. 302 U.S. 711, 58 S. Ct. 381, 82 L.ed. 549. See E. Christian v. Waialua Agr. Co. where the court cited Edward Hines Yellow Pine Lumber Co. v. Martin, 268 U.S. 458, 463, 45 S. Ct. 543, 545, 69 L. ed. 1050, to the effect that "where state decisions are in conflict and do not clearly establish what the local law is the federal court may exercise an independent judgment and determine the law of the case.

11. Abraham v. National Biscuit Co., 89 F 2d, 266.

Court reversed and remanded. One of the railroad's pleas was that the contract of employment between Moore and the railroad was verbal, rather than written, and that any action thereon was therefore barred by the three-year statute of limitations. * * *"

With reference to this plea the Mississippi Supreme Court said:

"The appellant's suit is not on a verbal contract between his and the appellee, but on a written contract made with the appellee, for appellant's benefit, by the Brotherhood of Railroad Trainmen; consequently, section 2299, Code of 1930, has no application, and the time within which the appellant could sue is six years under section 2292, Code of 1930."

The United States Supreme Court did not agree and said:

"The Mississippi Supreme Court had the power to reconsider and overrule its former interpretation, but the court below did not. And in the absence of a change by the Mississippi Legislature, the court below could reconsider and depart from the ruling of the highest court of Mississippi on Mississippi's statute of limitations only to the extent, if any, that examination of the later opinions of the Mississippi Supreme Court showed that it had changed its earlier interpretation of the effect of the Mississippi statute."[12]

Another interesting case arose in the Third Circuit Court concerning tax claims and the question of whether royalty payments constituted ordinary and necessary business expenses deductible for income tax purposes. The Court of course necessarily turned to the state law. After the tax court had decided the matter an intervening decision of a state court was rendered and affirmed before the tax court's decision was argued in the circuit court. The court cited United States Supreme Court decisions[13] and said that it was ordinarly bound "to apply the general rule of law to the decision on appeal and even though the state decision was not and could not have been by the district court," and concluded:

"Under the circumstances it appears that the taxpayer did not in the prior proceeding have its day in court upon the applicability of the Pennsylvania state court judgment to the question of the deductibility, for federal tax

12. Moore v. Illinois Central R. Co., 312 U.S. 630, 632, 85 L.ed. ..... 61, S. Ct. 754, 755.

13. Blair v. Commissioner, 311 U.S. 557, S. Ct. 330, 81 L.ed. 465. Vandenbeck v. Owen Ill. Glass Co., 311 U.S. 538, 85 L.ed. 327, 61 S. Ct. 327.

purposes, of its royalty payments to Mrs. Thomas. Accordingly we think that it would be unjust and improper to apply the doctrine of collateral estoppel here. For there has truly been an intervening state decision upon a relevant question of local law which has created a new situation within the meaning of the Blair case."[14]

Our system of justice is based upon the contradictory method which enables opponents to present their views. The process of understanding and clarifying and contradicting the opposing view is supposed to develop light to aid the court in reaching a sound construction. Assuredly it is far better to have the rule of law within a state applied in the federal court as well as in the state courts than to have different rules, but it is unfortunate that while litigants have an opportunity to correct or reform or advance the law if argued to a state court they are bound by what the state court itself might reject if in the federal forum.

Cited above are cases in which a litigant won in the lower federal court on the basis of existing state laws but lost in the end because intervening state litigation, of which he had not known, was decided against his own position while he was prevailing in another court.

The writer does not believe that he can advance any panacea for this ill and understands fully that the solution of any problem may give rise to another. Nevertheless, it seems reasonable to say that when the law of a state is in doubt or is challenged, the federal courts should be able to certify the question to the highest state court for its resolution and the litigants should be permitted to present their views on the case certified in briefs accompanying the certification. It may be suggested that this in some measure sublimates the decisions of the state court; the answer is that our Congress did just that in 1789, and in the Erie case, the Supreme Court considered that to be a constitutional necessity. The suggestion now made relates only to the procedure by which the end can best be achieved.

14. Commissioner of Int. Rev. v. Thomas Flexible Coupling Co., 198 F 2d.

How to Use the Vendors' Index of the Orleans Parish Conveyance Office

*By John E. Lanne**

When an attorney is contemplating filing a lawsuit against a prospective defendant, accurate information as to the prospective defendant's net worth and earning capacity can be just as vital as information concerning the party's legal liability. One good starting-place in the search for information about the prospective defendant's financial status is the Office of the Clerk of Court of the Parish (or the Conveyance Office in those Parishes which have separate facilities for recording transactions affecting the titles to real estate).

This paper is submitted in the hope that it will assist attorneys throughout the State who may be interested in obtaining such information concerning Orleans Parish real estate; also, the paper may prove of interest to Judges, Attorneys and Clerks of Court in each of the Parishes who enjoy studying the methods used in neighboring parishes for recording and indexing legal documents. The author has had the opportunity to use conveyance records in approximately half of the Parishes, and has found some of the systems in use excellent — particularly in several of the northern Parishes.

* * * * * *

The Vendors' Index of the Orleans Parish Conveyance Office consists of forty-five (45) large volumes in which are listed the names of vendors, lessors, affiants, and other persons and organizations occupying the additional legal categories set out fully on page 5 of this paper. The purpose of the Vendors' Index is to indicate the folio (page number) and Conveyance Office Book ("COB") of the specific "conveyance" in which the searcher is interested.

The layout of the Vendors' Index is based on the "Soundex System," The aim of the Soundex System is to divide the whole field of surnames and names of organizations into a sufficient

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number of alphabetical categories to permit convenient indexing, in the same way that someone who prepares a card index divides the alphabet into many categories, such, for example, as "Aa-", "Ac-", "Ad-", and so on. In order to use the Vendors' Index so as to locate the COB reference in which a particular "conveyance" is recorded (whether it be a sale, a succession, a lease, an affidavit, a new subdivision recordation, or any of the other categories of "conveyances" listed in the Vendors' Index), we follow this procedure:

I. Determine the number of the page in the Vendors' Index (through use of the Soundex System, as explained below) on which the name of the particular vendor, lessor, etc. in whom we are interested is indexed;

II. Turn to that page in the appropriate volume of the Vendors' Index (as explained below), find the name, and ascertain the COB reference;

III. Turn to that COB reference, and locate the recordation. Let's take it step by step.

I

DETERMINING THE PAGE NUMBER IN THE VENDORS' INDEX

Aside from a few exceptions which are explained in detail below, the Soundex System of indexing is based on three factors; namely, THE INITIAL LETTER OF THE GIVEN NAME (THE FIRST NAME) of the person, and THE FIRST TWO CONSONANT SOUNDS OF THE SURNAME (THE LAST NAME), excepting that the initial letter of the surname is always disregarded. These three factors; viz, the initial letter of the given name and the first two consonant sounds of the surname, are converted, by use of the soundex tables into a number consisting of three digits; this three-digit number is the page number of the Vendors' Index on which the name is listed.

The reason that the initial letter of the surname is always disregarded is the fact that an entire volume of the Vendors' Index is devoted to those names which have the same initial letter for the surname. Thus, if the surname is "Brown," we know that it is listed somewhere in the "B" volume of the Vendors' Index; if it is "Jones," somewhere in the "J" volume, and so on.

As a point of departure, let us consider the name LOUIS GOLDENBERG, and, for purposes of illustration, begin with the answer already provided; that is, this name is listed on page 654 of the "G" book of the Vendors' Index. We know that it is in the "G" book, because the initial letter of "Goldenberg" is "G." The first digit of 654, namely, "6," is determined by the initial letter of the given name; viz., "L." The second digit; namely, "5," is determined by the first consonant sound of "..oldenberg," namely, "1." The third digit ("4") is determined by the second consonant sound of "..oldenberg," namely, "d." By examining the tables of conversion numbers given below on this page, we will see that the number for "L" as the initial of the given name is 6; that the number for "1" as a consonant sound is 5; and that the number for "d" as a consonant sound is 4. Thus, we arrive at the page number — 654.

In our example we note that the first two consonant sounds of the name GOLDENBERG happen to be two single consonants, viz., "l" and "d." If they had been double or triple consonants it would not have made any difference in determining the page number, because they still would produce the same "first two consonant sounds." Thus, all of the following names will be listed on page 654 of the "G" book, because all have the same "initial" letter of the given name and the first two consonant sounds of the surname:"

Louis Goldenberg
Larry Golld
Lydia Glid
Lawrence Gould
Libbie Gladensbattrovich

Notice that consonant sounds occurring after the first two consonant sounds are totally disregarded. Notice also that the vowels are, of course, disregarded. The soundex rule in this regard is: "In working with the surname, disregard the vowels (a,e,i,o, & u) and also disregard the three letters "y," "w," and "h" (which are treated like vowels), UNLESS there are no letters in the surname except "a, e, i, o, u, y, w, & h" or combinations of them." This rule is more fully explained below.

With regard to the surname, the soundex system breaks down the alphabet into seven groups of letters, and assigns to each group a letter which best expresses the sounds of the group (which we will call the "soundex letter" for the group), and

also assigns to each group a number (the conversion number), which is the number used to form either the second or the third digit of the page number. This break down, the soundex letters, and the numbers are given in "Table 2" below.

With regard to the given name, the soundex system breaks down the alphabet into ten categories (plus an eleventh for corporations and other organizations), and assigns to each category a number, which is the number used to form the first digit of the page number. The break down and the numbers are given below in "Table 1."

TABLE 1 (1st Digit)
(GIVEN NAME)

1	A,B,
2	C,D,
3	E,F
4	G,H,I
5	J
6	K,L,M
7	N,O,P
8	Q,R,S,
9	T,U,V
10	W,X,Y,Z
11	Corporations

TABLE 2 (2nd & 3rd Digits
(SURNAME—"Last Name")

Digit	Soundex Letter	"Consonant Sounds"
2	B	B,F,P,V
3	C	C,G,J,K,Q,S,X,Z
4	D	D,T
5	L	L
6	M	M,N
7	R	R
0		(No 2nd consonant sound
10	A	A,E,I,O,U,Y,W,H
		(No consonant sound)

Let's try some examples. Take the name CHARLES DAGONET.

First digit: The number for C in Table 1 is 2.

Second digit: The first consonant sound in "_agonet" is "g"; consulting Table 2, we note that the soundex letter for g is C, and the number is 3.

Third digit: The second consonant sound in "_agonet" is "n"; Table 2 reveals that the soundex letter for n is M, and the number is 6.

Consequently, the name CHARLES DAGONET is listed on page 236 of the "D" volume of the Vendor's Index.

In the following examples, the three factors are underlined. CHRISTINE OLDENDORF, 254; EDMUND PIXBERG, 332; EUGENE S. RODDIE, 340; BALISKA R. ARAGON, 173; GEORGE P. EICKE, 430; C. ROBERT FENNELL, 265; LOUISIANA, STATE OF, 1136; KATZ AND BESTHOFF, LTD., 1143; HOTEL DIEU, 1145; SHREVEPORT AND RED RIVER

VALLEY RAILWAY, 1172; JAMES MC NALLY, 536 of "M" book (there is no "Mc" book).

Note that when there is only one consonant sound in a surname the third digit is always "0". Thus, Ralph Fox is 830. The reason that George P. Eicke (above) is 430 is the fact that c and k are treated as one sound, as explained below, and because there is no second consonant sound.

Examples of names in which the category represented by soundex letter A occurs are: JACK FOY, 510; ROBERT SOUHE, 810; LOUISE KOWAH, 610.

The basic rule of the soundex system states that the last two digits shall be determined by the first two consonant sounds of the surname. Here are some important corollaries of this rule:

A) Whenever the letters "G" and "H" are combined thus "GH", preceded by a vowel, they are treated as silent letters. Examples: SIDNEY BORROUGHS, 873; STANLEY HOUGHTON, 846; SHEILA PUGH, 810. This is not an exception to the rule, because BORROUGHS really sounds like BUROS and HOUGHTON like HOTON.

B) Whenever the letters "G" and "H" are combined thus "GH" and are preceded by a consonant other than H, Y, or W, they are treated as "C" in the soundex alphabet. Example: SIDNEY BERGHMEIER, 873. This is to be expected; the G has its "hard" sound here.

C) This rule states: "Double or triple letters, whether in the Soundex or English alphabet, are treated as a single letter." This rule was partially covered in the introductory remarks above. An example of a double letter in the English alphabet is ROBERT JESSON, 836. The rule also states that a double letter "in the Soundex . . . alphabet" is treated as a single letter. This means that whenever a consonant is followed directly by a consonant (other than H, Y, & W) which is in the same soundex category, the two consonants are treated as a single letter; thus, JOHN GODTEN is listed at page 546, (and not at 544), because "d" and "t" are in the same soundex category (see Table 2), so they are treated as a single letter (or consonant sound) and "n" is used as the second consonant sound.

This rule is applicable even when the initial letter of the surname is followed directly by a letter in the same soundex category; in such a case, the second letter is disregarded along with

the initial letter. Thus, ROBERT SCHMITT is listed at 864 (and not at 836); the "c" is disregarded. Again, this is not an exception to the general rule, because the "S", the "c", and the "h" of SCHMITT merge into a single sound. Another example of this rule is SIDNEY PFAGTON, 834; the "F" is disregarded along with the "P".

An alternate method of determining the page number involves the use of a table of figures (page numbers), copies of which are posted on the columns in the Conveyance Office. The procedure under this method is exactly the same as in the previous method up to the point of converting the initial letter of the first name and the soundex letters for the first two consonant sounds of the surname into the three digits. Under this method the conversion is made by the table of figures.

The vertical or "up and down" axis of the table (marked "key") is made up of the soundex letters(A,B,C,D,L,M,R and combinations thereof). The horizontal or "side to side" axis (marked "given name initial") is made up of the categories of initial letters of the first name. To use the table to locate the page number for HOWARD LAPAS, for example, first determine the soundex letters. They are B (for "p") and C (for "s"). Combine them to form BC. (If there is no second consonant sound, as in EVE LAPE, merely use soundex letter B, or whatever other soundex letter stands for the first consonant sound). Next, read along the horizontal axis of the table until you come to the column marked "G,H,I" (H for HOWARD); then read down this column until you come to the line marked BC (our soundex letters for LAPAS). In the block where column "G,H,I" and line "BC" meet, we read the page number; namely, 423.

The upper left corner of the table is shown below for illustration:

TABLE No. 3

	GIVEN NAME INITIAL			
KEY	AB	CD	EF	GHI
A	110	210	310	410
B	120	220	320	420
BB	122	222	322	422
BC	123	223	323	423

II

USING THE VENDORS' INDEX AFTER LOCATING THE PAGE NUMBER

Let us suppose, for the sake of a hypothetical case, that JOSEPH S. DEROMA sold lot 12 of Square 414 of the Third District of the City of New Orleans, and we want to locate the COB reference at which this sale is recorded. Using the procedure we followed in Step I above, we determine that the name JOSEPH S. DEROMA is listed on page 576 of the "D" volume. When we turn to page 576 of the "D" volume of the Vendors' Index, we see about eight pages of names, all of which pages are marked "Page 576". These names are listed chronologically by the date of the earliest sale or other "conveyance" in which the listed party figured as a vendor, lessor, subdivider, and so on. If our hypothetical case were to be listed, it would be listed as follows:

TABLE No. 4

	Symbol	Volume	Page	District	Square	Lot
Deroma Joseph S	S	527	44	3	414	12

Reading from left to right we learn from the symbol "S" that the transaction was a sale (other symbols are listed below); that the COB volume is COB 527; that the folio (page number) in COB 527 is page 44; that the property is in the Third District, Square 414, Lot 12.

The other symbols and their designations (which, incidentally, are listed on the top of every page of the Vendors' Index) are:

TABLE No. 5

A	Appointment of agent, power of attorney
C	Act of annulment, all cancellations, partial releases
D	Injunction
E	Act of correction
F	Affidavit
I	Intervention or intervenor
J	All judgments
L	Lease or renewal
M	Miscellaneous (such as a subdivision recordation)
N	Notice
S	Sales

Each line on a page of the Vendors' Index provides the ruled forms for the listing of only six transactions by the party named. Consequently, it is important to note that if the subject of our search has taken part in more than six transactions, his name may be listed in one or more additional places on one or more of the pages numbered 576.

III

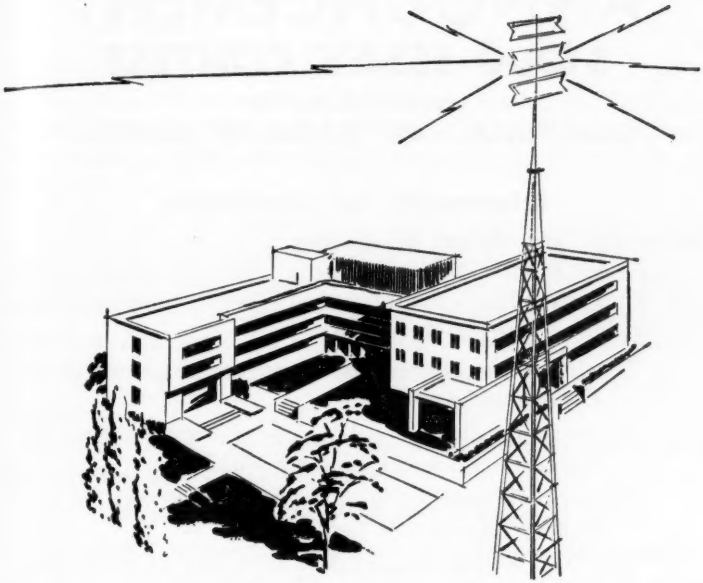
FINDING THE PUBLIC RECORDATION

The third step, easiest of all, is turning to the Conveyance Office Book reference which we ascertained in step II. In our example in step II, it was COB 527, folio 44. As of this date, January 18, 1957, there are 617 Conveyance Office Books.

* * *

The purchasers' index volumes have not as yet been consolidated into a single reference source, such as the Vendors' Index. Instead, a purchasers' index volume, which lists the names of purchasers alphabetically, is prepared for each four Conveyance Office Books (on the average, that is); as of the date of this writing, there are 165 purchasers' index volumes. The Register of Conveyances has expressed the hope that sufficient funds for the preparation of a consolidated Purchasers' Index will be forthcoming. Such an index would be very useful to attorneys.

———o———



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Choice of Essay Subjects

a) Does the Uniform Sales Act Offer Adequate Protection to a Seller — to a Buyer?

b) Field Warehousing for Small Businesses, Factoring and Factors' Liens — a Boon or Not?

c) Should Tax Claims of the United States Government Be Given Priority Only for One Year Prior to Bankruptcy?

d) The Role of the Lawyer in the Commercial World Today.

e) Opportunity and Challenge to bring Commercial Laws in step with Present Day Needs.

Prizes

First Prize — $1,000.00 Second Prize — $500.00
(United States Savings Bonds)

Third Prize — 10 Honorable Mentions
(Subscriptions to Commercial Law Journal)

Time when Essay must be received

On or before June 1, 1957

Eligibility of Contestants

Members of the Bar in the United States and Canada, excepting members of Commercial Law League of America.

Members of the senior classes of law schools in the United States and Canada.

Specifications

Essays must be original and not previously published; shall be limited to approximately 5,000 words, not including footnotes and citations. Excessive documentation may penalize the contestant.

Essays shall be typewritten, double spaced, on one side of 8½x11 paper. Footnotes and citations may be single spaced. Contestant's name shall appear on each page of copy. Essay must be accompanied by a signed Entry and Agreement Form in which contestant assigns all his right, title and interest in the essay to the Commercial Law League of America.

Judges

Essays will be judged by three outstanding members of the Bar and decisions of the judges will be final.

For Entry and Agreement Form, write to

Executive Secretary, Commercial Law League of America
111 West Monroe St. Chicago 3, Illinois

CHICAGO—Membership of the American Bar Association has tripled since 1936, the year formation of the House of Delegates made the ABA a truly representative national organization of the bar. The most spectacular growth in the 78-year history of the Association has occurred during the first two months of 1956 due to the nation-wide membership development campaign. Goal of the current campaign is a membership of 100,000 by August.